

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SA-09-CR-903(XR)

RICHARD M. BENAVIDES,

Defendant.

**GOVERNMENT'S NOTICE TO THE COURT -  
SUGGESTION OF DEATH**

Pursuant to Rule 48(a), Federal Rules of Criminal Procedure, the United States Attorney for the Western District of Texas hereby notifies the Court of the death of Defendant RICHARD M. BENAVIDES, as follows: a death certificate provided by the US Pretrial Services officer shows that Defendant died on or about August 14, 2011 (copy attached).

Respectfully submitted,

ROBERT PITMAN  
United States Attorney

/S/  
DAVID M. SHEARER  
Assistant United States  
Attorney  
TX SBN 18168390  
601 NW Loop 410, Suite 600  
San Antonio, Texas 78216-5512  
210 384-7025  
210 384-7028 FAX

CERTIFICATE OF SERVICE

I certify that on November 8, 2011, a true and correct copy of the foregoing Notice was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant: Ms. Kerrisa Chelkowski.

\_\_\_\_\_/s/\_\_\_\_\_  
DAVID M. SHEARER  
Assistant U.S. Attorney

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Defendant.

ORDER FOR DISMISSAL

Pursuant to Rule 48(a), Federal Rules of Criminal Procedure, the Court hereby vacates the conviction and sentence, dismisses the Superseding Indictment against RICHARD M. BENAVIDES, Defendant, in the interest of justice, for the following reason:

Defendant is believed to be dead.

Signed November \_\_\_\_\_, 2011.

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XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE